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DAVIS *v.* COMMONWEALTH.

Jan. 19, 1922.

[110 S. E. 252.]

**1. Criminal Law (§ 1159 (2)\*)—Verdict May Be Set Aside Only Where Jury Have Decided against the Evidence or without Evidence.**—Where an appeal is taken on the ground that the verdict is against weight of the evidence, under Code 1919, § 6363, it will be set aside only where the jury have plainly decided against the evidence, or without evidence.

**2. Intoxicating Liquors (§ 238 (1)\*)—Evidence Held Sufficient to Go to Jury.**—In a prosecution for violation of the prohibition law, evidence held sufficient to go to the jury.

Appeal from Circuit Court of City of Williamsburg and County of James City.

Curtis Davis was convicted of violation of the prohibition law, and he appeals. Affirmed.

*Frank Armistead*, of Williamsburg, and *C. A. Branch*, of Tonano, for plaintiff in error.

*Jno. R. Saunders, Atty. Gen.*, and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

WALKER *v.* COMMONWEALTH.

(two cases).

Jan. 19, 1922.

[110 S. E. 253.]

**Criminal Law (§ 1160\*)—Intoxicating Liquors (§ 238 (1)\*)—Evidence Held to Support Conviction for Manufacture of Liquor, So as to Prevent Reversal of Approved Verdict.**—Evidence held sufficient to support a conviction for the illegal manufacture of ardent spirits, so as to prevent a reversal, under Code 1919, § 6363, inhibiting the Supreme Court of Appeals from setting aside a verdict approved by the trial court unless the judgment is plainly wrong and without evidence to support it.

Error to Circuit Court, Charlotte County.

Thomas Walker and Cain Walker were separately convicted of the illegal manufacture of ardent spirits, and they bring error. Affirmed.

*Hutcheson & Early*, of Charlotte, C. H., for plaintiffs in error.

*Jno. R. Saunders, Atty. Gen.*, and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.